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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/829,558 | 04/22/2004 | Pierre Willard | 5266-10500 | 6359 |

44015 7590 01/10/2008

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| EXAMINER | |
|---|---|
| CORRIELUS, JEAN M | |
| **ART UNIT** | **PAPER NUMBER** |
| 2162 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 01/10/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/829,558 | WILLARD ET AL. | |
| | Examiner | Art Unit | |
| | Jean M. Corrielus | 2162 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *29 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This office action is in response to the amendment filed on October 29, 2007, in which claims 1-25 are presented for further examination.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-16 and 21-25 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment ***"receiving data".***

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-16 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chari US Patent no. 6,038,319 in view of Campbell US Patent no. 6,377,951.

As to claim 1, Chari discloses an interactive television system for ensuring security in accesses between modules of different carousels. In particular Chari discloses the claimed "receiving a first module which identifies a plurality of modules for use by an application and performing said update" (the first module is a directory module which identifies all of the modules which are part of an application, see col.1, lines 62-64); "receiving additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules" (it

is noted that the application includes at least one module which is downloaded and executed automatically, where additional module is needed after the execution of the application begins, wherein the additional module , contains data, see col.6, lines 10-30). However, Chari does not explicitly identify an update to be made to one or more of said first module and said plurality of modules. Campbell, on the other hand, discloses the claimed features "receiving data corresponding to said application, wherein said data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules" (by identifying a portion of the modules blocks that need to be updated and broadcasting only that module blocks from the delta directory to the destination, wherein the host module blocks having origin dates more recent than corresponding user module blocks, are downloaded as updated blocks over the communications channel to the user terminal.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chari' system identifying a portion of the modules blocks that need to be updated and broadcasting only that module blocks from the delta directory to the destination, in the same conventional manner as disclosed by Campbell, the both are directed to update data information and they are from the same field of endeavor. Chari deals with broadcast updated modules of a television program to a receiver, whereas, Campbell is directed to broadcast updated version of a software modules from server to a client. On having ordinary skill in the art would have found it motivated to use a fewer than the plurality of modules of Campbell to broadcast to the destination location for the purpose of selectively updating the relevant user module blocks of information.

As to claim 2, Chary discloses the claimed "wherein said first module comprises a main directory module which is pushed" (col.1, lines 62-66) and Campbell discloses a delta directory module which corresponds to said main directory module" (the directory modules comprises version indicator to identify updated module, in general the updated modules are stored in the directory module, see Campbell's col.7, lines 1-9, modules folder).

As to claim 3, Chari discloses the claimed "wherein said received main directory module is stored in a memory of a receiving device (television receiver, col.4, lines 7-31); and Campbell directly modifies said main directory module stored in memory" (the directory modules comprises version indicator to identify updated module, in general the updated modules are stored in the directory module, see Campbell's col.1, line 66-col.2, line 3).

As to claim 4, Campbell discloses the claimed "wherein said delta directory includes an identifier which indicates a version to which said main directory is updated in response to performing said update identified by said delta directory" (the directory modules comprises version indicator to identify updated module, see Campbell, col.8, lines 11-18, most recent information).

As to claim 5, Campbell discloses the claimed "wherein in response to performing said update, corresponding changes are effected in one or more of said plurality of modules, said corresponding changes being selected from the group consisting of: the addition of a new

module; the removal of an existing module; and revisions to an existing module" (Campbell's col.6, lines 58-64, replace the out dated modules with the most recent information).

As to claim 6, Campbell discloses the claimed "wherein said plurality of modules comprise one or both of executable application code or data for access by said application during execution" (Campbell's col.24, lines 7-10).

As to claim 7, Campbell discloses the claimed "wherein said first module is pushed and wherein said method further comprises said application utilizing said additional data to register changes to the first module" (see Campbell's col.18, lines 14-23).

As to claim 8, Campbell discloses the claimed "wherein said additional data is pulled by said application" (Campbell's col.7, lines 38-40).

As to claims 9-16:

Claims 9-16 are receiving device for performing the method of claims 1-8 above. They are rejected under the same rationale as claims 1-8 above.

As to claims 21-25:

Claims 21-25 are product claimed comprising instructions for executing the method of claims 1-8 above. They are, therefore, rejected under the same rationale.

***Response to Arguments***

5. Applicant's arguments filed on October 29, 2007, which respect to claims 17-20, have been fully considered but they are not persuasive. (See examiner remark).

6. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soepenberg et al., (hereinafter "Soepenberg") US Patent Publication no. 20020059645 in view of Campbell US Patent no. 6,377,951

As to claim 17, Soepenberg an server configured to convey data for use by an application; a transmitter configured to convey data for broadcast ([0035], providing modules on demand, a special interface between the multimedia platform-specific device and the storage device, the performance of the application depends on the order in which the modules are being transmitted, and the broadcaster has probably put the modules in a performance-wise optimal order, and the play-out of a versioned file system (object carousel) may be undertaken at a higher bit rate than originally broadcast, [0036]; "generate a plurality of modules corresponding to said data"(modules M4, M5 and M6, see fig.4); "generate a first module which identifies said plurality of modules" (since the carousel consists of a plurality of modules, wherein one of which is a main directory module that identifies a plurality of modules, see [0010] and [0016]); "convey said first module and said plurality of modules"(see [0036]); and "determine a change to said plurality of modules" (see [0030]). Soepenberg does not explicitly receive additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules. Soepenberg, however, broadcasts all the modules to replace the

existing modules, see the three versions M1, M2, M3, wherein the first version is valid from time=0 (the beginning of the recording) to time t1, the second from t1 to t2 and the third from t2 to t3 (the end of the recording), until the recording are stored all three versions M1-3 of the module together with an indication for the interval in which they are valid, [0032]; [0036]). Campbell, on the other hand, discloses the claimed features "receiving data corresponding to said application, wherein said data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules" (by identifying a portion of the modules blocks that need to be updated and broadcasting only that module blocks from the delta directory to the destination, wherein the host module blocks having origin dates more recent than corresponding user module blocks, are downloaded as updated blocks over the communications channel to the user terminal, see col.).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of the cited references. Soepenberg and Campbell, the both are directed to update information and they are from the same field of endeavor. Soepenberg deals with broadcast updated modules of a television program to a receiver, whereas, Campbell is directed to broadcast updated version of a software modules from server to a client. On having ordinary skill in the art would have found it motivated to use a fewer than the plurality of modules to broadcast to the destination location for the purpose of selectively updating the relevant user module blocks of information.

As to claim 18, Chari discloses the claimed "main directory module" (col.1, lines 60-67); and Campbell discloses "delta directory module" (the directory modules comprises version indicator to identify updated module, see Campbell, col.8, lines 11-18, most recent information).

As to claim 19, Campbell discloses the claimed "changes of the generated update directory module" (col.3, lines 35-39); and conveys the changes (replace the user modules with the downloaded host modulescol.3, line 38).

As to claim 20, Campbell discloses a processor (col.4, line 53).

***Remark***

7. Applicant asserted that Soepenberg does not generate a plurality of modules corresponding to said data; generate a first module which identifies said plurality of modules; convey said first module and said plurality of modules. The examiner disagrees with the precedent assertion. It is noted, however, that Soepenberg discloses an interactive television system enable television sets to be used to provide various new means for providing services to viewers (see [0001]). Such interactive television applications of Soepenberg consist of one or more programs modules, wherein one module can identifies all of the modules. It is important to note that a carousel is defined as a set of modules, wherein a module from carousel interacts (identifies) with a plurality of modules of another carousel (see [0035]). Soepenberg is aware that versioning of object carousel is not done at the object level whether at the module level of changes in the directory objects in order to provide files and directories to the application on

demand without the carousel latency. Even a fewer object in a module changes, the complete module gets a new version number, see [0008]. Campbell, on the other hand, identifies the only (fewer) blocks of the module that need to be update, see col.3, lines 5-11 and see col.26, lines 28-31). The aforementioned assertion is moot. Refer to the rejection above.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (571) 272-4032. The examiner can normally be reached on 10 hours shift.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jean M. Corrielus
Primary Examiner
Art Unit 2162

January 7, 2008